

S/N NEW FILING

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|--|-----------------|-------------|
| Applicant: | CLARK ET AL. | Examiner: | UNKNOWN |
| Serial No.: | NEW FILING | Group Art Unit: | UNKNOWN |
| Filed: | HEREWITH | Docket No.: | 1165.54USC4 |
| Title: | DYNAMIC ON-LINE SCORING GUIDE AND METHOD (AS AMENDED HEREIN) | | |

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV322886355US

Date of Deposit: October 20, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Mail Stop PATENT APPLICATION, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Teresa Anderson

Name: Teresa Anderson

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2) and § 1.98(d), copies have been provided only for those items listed on the enclosed Form 1449 that have not previously been cited by or submitted to the U.S. Patent and Trademark Office in parent applications, U.S. Serial No. 09/141,804, filed August 28, 1998, now issued Patent No. 6,168,440 B1; U.S. Serial No. 09/003,979 filed on January 7, 1998, now abandoned; U.S. Serial No. 08/561,081 filed November 20, 1995, now issued Patent No. 5,735,694; U.S. Serial No. 08/290,014 filed on

August 12, 1994, now issued Patent No. 5,558,521 and U.S. Serial No. 08/014,176 filed February 5, 1993, now issued Patent No. 5,437,554.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

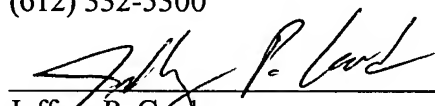
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date:

Oct 13, 2003



Jeffrey P. Cook
Reg. No. 48,649
JPC:PLSklg

23552

PATENT TRADEMARK OFFICE

| | | |
|---|-------------------------------|-----------------------------------|
| FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary) | Docket Number: 1165.54USC4 | Application Number: NEW FILING |
| | Applicant: CLARK ET AL. | |
| | Filing Date: HEREWITH | Group Art Unit: UNKNOWN |

| U.S. PATENT DOCUMENTS | | | | | | |
|-----------------------|--------------|------------|--------------------|-------|----------|-------------------------------|
| EXAMINER INITIAL | DOCUMENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| | Re. 34,476 | 12/14/1993 | Norwood | | | |
| | 3,405,457 | 10/15/1968 | Bitzer | | | |
| | 3,538,626 | 11/10/1970 | Frank | | | |
| | 3,762,072 | 10/02/1973 | From | | | |
| | 3,932,948 | 01/20/1976 | Goddard et al. | | | |
| | 4,004,354 | 01/25/1977 | Yamauchi | | | |
| | 4,151,659 | 05/01/1979 | Lien et al. | | | |
| | 4,205,780 | 06/03/1980 | Burns et al. | | | |
| | 4,478,584 | 10/23/1984 | Kaney | | | |
| | 4,518,267 | 05/21/1985 | Hepp | | | |
| | 4,518,361 | 05/21/1985 | Conway | | | |
| | 4,553,261 | 11/12/1985 | Froessl | | | |
| | 4,627,818 | 12/09/1986 | Von Fellenberg | | | |
| | 4,648,062 | 03/03/1987 | Johnson et al. | | | |
| | 4,671,772 | 06/09/1987 | Slade et al. | | | |
| | 4,694,352 | 09/15/1987 | Ina et al. | | | |
| | 4,705,479 | 11/10/1987 | Maron | | | |
| | 4,708,503 | 11/24/1987 | Poor | | | |
| | 4,715,818 | 12/29/1987 | Shapiro et al. | | | |
| | 4,741,047 | 04/26/1988 | Sharpe, II | | | |
| | 4,760,246 | 07/26/1988 | Shepard | | | |
| | 4,764,120 | 08/16/1988 | Griffin et al. | | | |
| | 4,789,543 | 12/06/1988 | Linder | | | |
| | 4,798,543 | 01/17/1989 | Spiece | | | |
| | 4,845,739 | 07/04/1989 | Katz | | | |
| | 4,867,685 | 09/19/1989 | Brush et al. | | | |
| | 4,878,175 | 10/31/1989 | Norden-Paul et al. | | | |

| | |
|---|-----------------|
| EXAMINER | DATE CONSIDERED |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant. | |

| | | |
|---|-------------------------------|-----------------------------------|
| FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary) | Docket Number: 1165.54USC4 | Application Number: NEW FILING |
| | Applicant: CLARK ET AL. | |
| | Filing Date: HEREWITH | Group Art Unit: UNKNOWN |

| | | | | | | |
|--|-----------|------------|-----------------------|--|--|--|
| | 4,895,518 | 01/23/1990 | Arnold et al. | | | |
| | 4,908,759 | 03/13/1990 | Alexander, Jr. et al. | | | |
| | 4,930,077 | 05/29/1990 | Fan | | | |
| | 4,937,439 | 06/26/1990 | Wanninger et al. | | | |
| | 4,958,284 | 09/18/1990 | Bishop et al. | | | |
| | 4,978,305 | 12/18/1990 | Kraft | | | |
| | 4,996,642 | 02/26/1991 | Hey | | | |
| | 5,002,491 | 03/26/1991 | Abrahamson et al. | | | |
| | 5,003,613 | 03/26/1991 | Lovelady et al. | | | |
| | 5,011,413 | 04/30/1991 | Ferris et al. | | | |
| | 5,023,435 | 06/11/1991 | Deniger | | | |
| | 5,035,625 | 07/30/1991 | Munson et al. | | | |
| | 5,038,392 | 08/06/1991 | Morris et al. | | | |
| | 5,054,096 | 10/01/1991 | Beizer | | | |
| | 5,058,185 | 10/15/1991 | Morris et al. | | | |
| | 5,059,127 | 10/22/1991 | Lewis et al. | | | |
| | 5,072,383 | 12/10/1991 | Brimm et al. | | | |
| | 5,086,385 | 02/04/1992 | Launey et al. | | | |
| | 5,100,329 | 03/31/1992 | Deesen et al. | | | |
| | 5,101,447 | 03/31/1992 | Sokoloff et al. | | | |
| | 5,103,490 | 04/07/1992 | McMillin | | | |
| | 5,105,354 | 04/14/1992 | Nishimura | | | |
| | 5,119,433 | 06/02/1992 | Will | | | |
| | 5,134,669 | 07/28/1992 | Keogh et al. | | | |
| | 5,140,650 | 08/18/1992 | Casey et al. | | | |
| | 5,147,205 | 09/15/1992 | Gross et al. | | | |
| | 5,151,948 | 09/29/1992 | Lyke et al. | | | |
| | 5,176,520 | 01/05/1993 | Hamilton | | | |
| | 5,180,309 | 01/19/1993 | Egnor | | | |

| | |
|---|-----------------|
| EXAMINER | DATE CONSIDERED |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant. | |

| | | |
|---|-------------------------------|-----------------------------------|
| FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary) | Docket Number: 1165.54USC4 | Application Number: NEW FILING |
| | Applicant: CLARK ET AL. | |
| | Filing Date: HEREWITH | Group Art Unit: UNKNOWN |

| | | | | | | |
|--|-----------|------------|-----------------|--|--|--|
| | 5,195,033 | 03/16/1993 | Samph et al. | | | |
| | 5,204,813 | 04/20/1993 | Samph et al. | | | |
| | 5,211,564 | 05/18/1993 | Martinez et al. | | | |
| | 5,258,855 | 11/02/1993 | Lech et al. | | | |
| | 5,259,766 | 11/09/1993 | Sack et al. | | | |
| | 5,261,823 | 11/16/1993 | Kurokawa | | | |
| | 5,267,865 | 12/07/1993 | Lee et al. | | | |
| | 5,294,229 | 03/15/1994 | Hartzell et al. | | | |
| | 5,302,132 | 04/12/1994 | Corder | | | |
| | 5,310,349 | 05/10/1994 | Daniels et al. | | | |
| | 5,318,450 | 06/07/1994 | Carver | | | |
| | 5,321,611 | 06/14/1994 | Clark et al. | | | |
| | 5,344,132 | 09/06/1994 | LeBrun et al. | | | |
| | 5,376,007 | 12/27/1994 | Zirm | | | |
| | 5,379,213 | 01/03/1995 | Derks | | | |
| | 5,387,104 | 02/07/1995 | Corder | | | |
| | 5,418,865 | 05/23/1995 | Bloomberg | | | |
| | 5,433,615 | 07/18/1995 | Clark | | | |
| | 5,437,554 | 08/01/1995 | Clark et al. | | | |
| | 5,437,555 | 08/01/1995 | Ziv-El | | | |
| | 5,452,379 | 09/19/1995 | Poor | | | |
| | 5,458,493 | 10/17/1995 | Clark et al. | | | |
| | 5,466,159 | 11/14/1995 | Clark et al. | | | |
| | 5,496,175 | 03/05/1996 | Oyama et al. | | | |
| | 5,544,255 | 08/06/1996 | Smithies et al. | | | |
| | 5,558,521 | 09/24/1996 | Clark et al. | | | |
| | 5,565,316 | 10/15/1996 | Kershaw et al. | | | |
| | 5,596,698 | 01/21/1997 | Morgan | | | |
| | 5,634,101 | 05/27/1997 | Blau | | | |
| | 5,647,017 | 07/08/1997 | Smithies et al. | | | |

| | |
|---|------------------------|
| EXAMINER | DATE CONSIDERED |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant. | |

| | | |
|---|-------------------------------|-----------------------------------|
| FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary) | Docket Number: 1165.54USC4 | Application Number: NEW FILING |
| | Applicant: CLARK ET AL. | |
| | Filing Date: HEREWITH | Group Art Unit: UNKNOWN |

| | | | | | | |
|--|--------------|------------|------------------|--|--|--|
| | 5,672,060 | 09/30/1997 | Poor | | | |
| | 5,690,497 | 11/25/1997 | Clark et al. | | | |
| | 5,691,895 | 11/1997 | Kurtzberg et al. | | | |
| | 5,709,551 | 01/20/1998 | Clark et al. | | | |
| | 5,716,213 | 02/10/1998 | Clark et al. | | | |
| | 5,718,591 | 02/17/1998 | Clark et al. | | | |
| | 5,735,694 | 04/07/1998 | Clark et al. | | | |
| | 5,752,836 | 05/19/1998 | Clark et al. | | | |
| | 5,987,149 | 11/16/1999 | Poor | | | |
| | 5,987,302 | 11/16/1999 | Driscoll et al. | | | |
| | 5,991,595 | 11/23/1999 | Romano et al. | | | |
| | 6,155,839 | 12/05/2000 | Clark et al. | | | |
| | 6,157,921 | 12/2000 | Barnhill | | | |
| | 6,159,018 | 12/12/2000 | Clark et al. | | | |
| | 6,168,440 B1 | 01/02/2001 | Clark et al. | | | |
| | 6,183,261 B1 | 02/06/2001 | Clark et al. | | | |
| | 6,193,521 B1 | 02/27/2001 | Clark et al. | | | |
| | 6,558,166 B1 | 05/06/2003 | Clark et al. | | | |

FOREIGN PATENT DOCUMENTS

| | DOCUMENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
|--|--------------|------------|---------|-------|----------|---------------|----|
| | | | | | | YES | NO |
| | 0 171 663 | 02/19/1986 | EP | | | | |
| | 2 274 932 A | 08/10/1994 | GB | | | | |
| | 56-10634 | 02/03/1981 | JP | | | abstract only | |
| | 3-1709 | 01/11/1991 | JP | | | abstract only | |
| | 5-74825 | 10/19/1993 | JP | | | abstract only | |
| | 62-75578 | 04/07/1987 | JP | | | abstract only | |
| | 4-147288 A | 05/20/1992 | JP | | | abstract | |
| | WO 90/05970 | 05/31/1990 | PCT | | | | |
| | WO 99/06930 | 02/11/1999 | PCT | | | | |
| | | | | | | | |

| | |
|---|-----------------|
| EXAMINER | DATE CONSIDERED |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant. | |

| | | |
|---|-------------------------------|-----------------------------------|
| FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary) | Docket Number: 1165.54USC4 | Application Number: NEW FILING |
| | Applicant: CLARK ET AL. | |
| | Filing Date: HERewith | Group Art Unit: UNKNOWN |

| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | |
|--|--|--|
| | | Author Unknown, "'Score Image" Processing of Constructed-Responses, Essays, and Writing Samples", <i>Uniscor, Incorporated</i> : 3 pages (1992) |
| | | Author Unknown, "Image Processing of Open-Ended Questions", <i>Uniscor, Incorporated</i> : 3 pages (1992) |
| | | Breland, H. et al. "Remote Scoring of Essays", <i>College Board Report</i> , No. 88-3, ETS RR No. 88-4, 43 pages (1998) |
| | | Brown, P. et al., "Validation - Cost Effective External Evaluation", <i>Australian Journal of Educational Technology</i> , 6(2): 5 pages (1990) |
| | | Draper, S.W. et al., "Integrative evaluation: An emerging role for classroom studies of CAL", Internet: http://www.psy.gla.ac.uk/~steve/IE.html : 17 pages (August 12, 1995) |
| | | Draper, S.W., "Observing, Measuring, or Evaluating Courseware", Internet: http://www.psy.gla.ac.uk/~steve/Eval.HE.html : 10 pages (February 18, 1996) |
| | | Foxon, M., "Evaluation of training and development programs: A review of the literature", <i>Australian Journal of Educational Technology</i> , 5(2): 16 pages (1989) |
| | | Gathy, P. et al., "Computer-Assisted Self -Assessment (CASA) In Histology", <i>Computers & Education</i> , 17(2): Front cover and 109-116 (1991) |
| | | IBM Personal Science Laboratory (PSL), IBM Tools For Education, 12 pages (1990) |
| | | IBM Education Local Area Network and Tools (EdLAN), Tools for education: 16 pages (1991) |
| | | IBM PS/2® MultiMedia for Microscopic Studies, 4 pages (1991) |
| | | IBM Multimedia Supplement to T.H.E. Journal, Special Issue, 41 pages (September 1991) |
| | | IBM Software for Education Catalogue, Pre-kindergarten to Adult Tools for Education, 86 pages, 1991/92 Edition |
| | | Kool, L., "The Scribophone: a graphic telecommunication system", <i>Philips Telecommunications Review</i> , Vol. 38, No. 1, 11 pages (January 1980) |
| | | Sims, R., "Futures for Computer-Based Training: Developing the learner-computer interface", <i>Australian Journal of Educational Technology</i> , 4(2): 11 pages (1988) |
| | | Uniscor Proposal Number 92-11, to Delaware Department of Public Instruction (May 15, 1992) |

23552

PATENT TRADEMARK OFFICE

| | |
|---|------------------------|
| EXAMINER | DATE CONSIDERED |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant. | |